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February 2, 2016

**Via ECF and Email**

The Honorable Brian M. Cogan, U.S.D.J.

United States District Court for the

Eastern District of New York

225 Cadman Plaza East

Brooklyn, NY 11201

Re: *In re Dental Supplies Direct Purchaser Antitrust Litigation* related to *SourceOne Dental, Inc. v. Patterson Companies, Inc.*, 2:15-cv-05440-BMC

Dear Judge Cogan:

We represent direct purchaser plaintiffs Dr. Robert Corwin, DDS, Keith Schwartz, D.M.D., P.A., and Dr. Stephen M. Grussmark, DDS in Civil Action Nos. 16-cv-442, 16-cv-443, and 16-cv-479 (the “*Corwin* Plaintiffs”), all of which have been noticed as related to the above-noted *SourceOne* action.<sup>1</sup> Plaintiffs in each of these related cases allege that defendants Benco Dental Supply Co. (“Benco”), Henry Schein, Inc. (“Henry Schein”) and Patterson Companies, Inc. (“Patterson”) (collectively, “Defendants”) – the three principal providers of dental supplies in the United States – conspired to monopolize the dental supplies market by engaging in unlawful group boycotting and other anticompetitive actions in violation of Section 1 of the Sherman Act. In the direct purchaser actions claims are also asserted on behalf of a class of those similarly situated.

Yesterday, we learned that counsel for direct purchaser plaintiffs in Civil Action Nos. 16-cv-282, 16-cv-345, and 16-cv-355 (the “*Comfort Care* Plaintiffs”), filed on Friday, January 29, in only their cases, a proposed motion for (i) consolidation of the plaintiff cases, (ii) joinder in the *SourceOne* discovery schedule, and (iii) appointment of lead counsel. *See, e.g.*, ECF 12 in C.A. No. 16-cv-282.

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<sup>1</sup> Presently, the Court appears to have accepted the *Corwin* and *Schwartz* actions as related to *SourceOne*, though the applicable docket orders reference another direct purchaser action (16-cv-345). The *Grussmark* action (16-cv-479) contains substantially similar allegations as *Corwin*, *Schwartz*, and *SourceOne*, and a relatedness notice was also filed in that action. The *Corwin* action was originally filed in the Northern District of Texas on January 22, but that and the *Schwartz* action were both voluntarily withdrawn and re-filed in this District after *SourceOne* and the related direct purchaser actions were re-assigned to Your Honor.

The *Corwin* Plaintiffs support consolidation of all present and future direct purchaser class actions and, in response to this Court's January 28, 2016 docket order requesting the "parties' positions as to joining the existing discovery schedule [in *SourceOne*]" respond that they support joining the existing discovery schedule and coordination of discovery between the competitor *SourceOne* action and all direct purchaser actions. We have extensive experience with coordinated discovery involving multiple plaintiff groups,<sup>2</sup> and, in fact, are presently collaborating with *SourceOne*'s counsel, Christopher Renner, to propose a draft discovery coordination protocol.

We thank the Court for its consideration of this matter.

Respectfully submitted,

/s/ **Linda P. Nussbaum**

Linda P. Nussbaum

*On behalf of plaintiffs Dr. Robert Corwin,  
DDS, Keith Schwartz, D.M.D., P.A., and Dr.  
Stephen M. Grussmark, DDS*

cc: All counsel of record in *SourceOne* and all other direct purchaser actions filed to date (C.A. Nos. 16-cv-282, 16-cv-345, 16-cv-355, and 16-cv-497)

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<sup>2</sup> Recent examples of NLG attorneys' participation in complex coordinated discovery protocols include *American Express Anti-Steering Rules Antitrust Litig.*, 11-md-2221 (E.D.N.Y.) (coordinating with *SourceOne*'s counsel, Boies Schiller, discovery between class and individual actions and separate DOJ action) and *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litig.*, 14-md-02542 (S.D.N.Y.) (coordinating discovery between two competitor cases and multiple indirect purchaser and direct purchaser cases).